

LAW OFFICES OF DEBORAH L. RAYMOND
Deborah L. Raymond, SBN 173528
445 Marine View Avenue, Suite 305
Del Mar, CA 92014
(858) 481-9559

Attorney For Plaintiffs, AARON WALKER and YOLONDA WALKER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AARON WALKER, an individual;
YOLONDA WALKER, an individual,

Plaintiffs,

vs.

SPECIALIZED LOAN SERVICING, LLC, a
Delaware Limited Liability Company;
DEUTSCHE BANK NATIONAL TRUST
COMPANY, as TRUSTEE ON BEHALF OF
THE HOLDERS OF THE TERWIN
MORTGAGE TRUST 2006-9HGA, ASSET-
BACKED CERTIFICATES, TMTS SERIES
2006-9HGA, an entity of unknown form;
AXIS MORTGAGE & INVESTMENT, an
entity of unknown form; AXIS MORTGAGE
& INVESTMENTS, LLC, a Arizona Limited
Liability Company; BILTMORE BANK OF
ARIZONA, a banking institution; CHASE
HOME FINANCE LLC, a Delaware Limited
Liability Company; REGIONAL TRUSTEE
SERVICES CORPORATION, a Washington
Corporation; and DOES 1-10, inclusive,

Defendant(s).

Case No. 08cv1411H (NLS)

**NOTICE OF WITHDRAWAL OF
APPLICATION FOR PRELIMINARY
INJUNCTION WITHOUT PREJUDICE**

1 TO: TO: DEFENDANTS, SPECIALIZED LOAN SERVICING, LLC; DEUTSCHE
2 BANK NATIONAL TRUST COMPANY, as TRUSTEE ON BEHALF OF THE HOLDERS OF THE
3 TERWIN MORTGAGE TRUST 2006-9HGA, ASSET-BACKED CERTIFICATES, TMTS SERIES
4 2006-9HGA; AXIS MORTGAGE & INVESTMENT; AXIS MORTGAGE & INVESTMENTS, LLC;
5 BILTMORE BANK OF ARIZONA; CHASE HOME FINANCE LLC; REGIONAL TRUSTEE
6 SERVICES CORPORATION; AND, THEIR ATTORNEY(S) OF RECORD:

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8 PLEASE TAKE NOTICE THAT Plaintiffs hereby withdraws their application for a
9 Preliminary Injunction enjoining Defendants and their agents, assigns, employees, officers, attorneys,
10 and representative from engaging in or performing any act to deprive Plaintiff of ownership or
11 possession of the real property located at 7869 Bloomfield Road, San Diego, California 92114
12 (hereinafter the "Property"), including but not limited to instituting, prosecuting, or maintaining
13 foreclosure or sale proceedings on the Property, from recording any deeds or mortgages regarding the
14 Property or from otherwise taking any steps whatsoever to deprive Plaintiff of ownership in the
15 Property, and in particular from proceeding with the sale of the Property scheduled for August 8, 2008.

16
17 Plaintiffs' counsel was notified by Alan White, counsel for defendants Specialized
18 Loan Servicing, LLC and Deutsche Bank National Trust Company that it was confirmed to him that
19 the Trustee's Sale on the Property scheduled for 10:00 a.m. on August 8, 2008 was cancelled.
20 Plaintiff has confirmed that defendant Regional Trustee Services Corporation has closed the file. A
21 copy of the email sent to Plaintiffs' counsel from attorney Alan White is herein attached as Exhibit
22 "NOW-A"; a copy of the printout from Regional Trustee Services Corporation's website confirming
23 the file is closed is herein attached as Exhibit "NOW-B".

24 On the grounds that the Trustee's Sale scheduled for August 8, 2008 has been cancelled
25 the application for a Preliminary Injunction is presently moot, Plaintiffs seek to withdraw their current
26

1 application without prejudice to file another application for a Temporary Restraining Order and a
2 Preliminary Injunction in the future, if necessary.

3 Dated: August 15, 2008

4 /s/ Deborah L. Raymond

5 Deborah L. Raymond, Esq.
6 Attorney for Plaintiffs
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Deborah L. Raymond

From: Alan White [aiwhitelaw@gmail.com]
Sent: Monday, August 11, 2008 1:09 PM
To: draymond@lawinfo.com
Subject: Walker

It has been reconfirmed to me that the sale has been cancelled. To make sure you get notice in the future, you should record a Request for Notice.

LAW OFFICES OF ALAN I. WHITE

20281 SW Birch Street, Suite 100

Newport Beach, California 92660

949-752-9001 Office

949-752-9007 Fax

aiwhitelaw@gmail.com

EXHIBIT "NOW-A"

8/15/2008

Trustee Sale Number: 05-FSL-56977
Trustor: AARON WALKER, A MARRIED MAN AS HIS SOLE AND SEPARATE
PROPERTY
Property Address: 7869 BLOOMFIELD ROAD, SAN DIEGO, CA 92114

Sale Location: AT THE SOUTH ENTRANCE TO THE COUNTY COURTHOUSE , 220
WEST BROADWAY SAN DIEGO
Trustee's Sale Date: 8/8/2008 10:00:00 AM
Bid Amount: \$ _____
Purchase Amount: \$ _____
Purchaser:
File Closed: 8/7/2008 7:48:54 AM
Reason Closed: Litigation Pending
Comments:

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EXHIBIT "NOW-B"

1 LAW OFFICES OF DEBORAH L. RAYMOND
Deborah L. Raymond, SBN 173528
2 445 Marine View Avenue, Suite 305
3 Del Mar, CA 92014
(858) 481-9559

4 Attorney For Plaintiffs, AARON WALKER and YOLONDA WALKER
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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YOLONDA WALKER, an individual,

12 Plaintiffs,

13 vs.

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15 DEUTSCHE BANK NATIONAL TRUST
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SERVICES CORPORATION, a Washington
22 Corporation; and DOES 1-10, inclusive,
23

24 Defendant(s).
25
26

Case No. 08cv1411H (NLS)

PROOF OF SERVICE

I am employed in the City of Del Mar, County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 445 Marine View Avenue, Suite 305, Del Mar, California 92014.

On August 15, 2008, I caused to be served the following document(s): copy(ies) of

1) **NOTICE OF WITHDRAWAL OF APPLICATION FOR PRELIMINARY INJUNCTION WITHOUT PREJUDICE; and**

2) **PROOF OF SERVICE.**

on the party(ies) in this action by placing a true copy thereof in a sealed envelope(s), addressed as follows:

Alan I. White, Esq.
Law Office of Alan I. White
20281 SW Birch St Ste 100
Newport Beach, CA, 92660
(Attorney for SLS and Deutsche Bank)

Randall P. Mroczynski
Attorney at Law
COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
535 Anton Boulevard, 10th Floor
Costa Mesa, CA 92626
(Attorney for Biltmore Bank and Axis Mortgage and Investment and Axis Mortgage and Investment LLC)

REGIONAL TRUSTEE SERVICES CORPORATION
Attn: ROBINSON TAIT PS
616 1ST AVE STE 500
SEATTLE, WA 98104

CHASE HOME FINANCE LLC
194 WOOD AVENUE S LEGAL DEPT 2ND FLOOR
ISELIN, NJ 08830

[XX] **(BY MAIL)** I placed each of the above referenced documents in a sealed envelope, with postage thereon fully prepaid for first-class mail for collection and mailing at Solana Beach or Encinitas, California, following ordinary business practices. I am familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice the correspondence will be deposited with the United States Postal Service this same day

1 in the ordinary course of business.

2 ☐ **(BY EXPRESS MAIL U.S. POSTAL SERVICE)** I placed each of the above
3 referenced documents in a sealed EXPRESS MAIL envelope, with postage thereon
4 fully prepaid for Express Mail, United States Postal Service for collection and mailing
at Solana Beach or Encinitas, California.

5 ☐ **(BY PERSONAL DELIVERY)** Each such document was placed in a sealed
6 envelope and sent by personal messenger to be hand delivered to the attorneys' offices
listed above.

7 ☐ **(BY FACSIMILE)** I sent each such document by facsimile to

8 ☒ **(BY EMAIL)** I sent each such document by email to Alan White email address:
9 aiwhitelaw@gmail.com and to Randall P. Mroczynski email address:
10 mroczynski@cookseylaw.com.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13 Executed at Del Mar, California on August 15, 2008.

14 /s/ Deborah L. Raymond
15 Deborah L. Raymond, Esq.